

CASE NO. 08cv 1589

ATTACHMENT NO. 8

EXHIBIT

TAB (DESCRIPTION) _____

1 MS. PLACEK: Does the Court wish me to
2 respond?

3 THE COURT: If you choose.

4 MS. PLACEK: I'd ask that the motion of the
5 State be denied.

6 THE COURT: Motion denied.

7 MS. MALLO: Your Honor, with that, the
8 People would call Detective Lawrence Nitsche.

9 (Witness sworn)

10 THE COURT: Good afternoon.

11 That microphone is on, sir. Will you
12 speak directly into it?

13 Keep your voice up.

14 You may proceed.

15
16 DET. LAWRENCE M. NITSCHE,
17 was called as a witness herein on behalf of the
18 People of the State of Illinois, having been
19 first duly sworn, was examined and testified as
20 follows:

21

22

23

24

1 DIRECT EXAMINATION

2 BY

3 MS. MALLO:

4 Q Detective, would you state your name,
5 please, and spell your last name?

6 A Lawrence M. Nitsche, N-i-t-s-c-h-e, star
7 number 15137, Chicago Police Officer, Area 2,
8 Violent Crimes.

9 Q And, Detective, was that your assignment
10 on the 8th of August, 1988?

11 A Yes, ma'am.

12 THE COURT: '88 or '89?

13 MS. MALLO: '88, Judge.

14 THE WITNESS: '88.

15 MS. MALLO: Q Detective, on August the 8th,
16 1988, were you working in what is commonly called
17 the third watch?

18 A Pardon?

19 Q What watch were you working?

20 A Second.

21 Q And what hours are they?

22 A 9:00 o'clock till 5:00 o'clock in the
23 afternoon.

24 Q And while on that watch, did you receive

1 an assignment to investigate a murder?

2 A Yes, I did.

3 Q And about -- Did you then go to the
4 area of 251 West 117th Street in Chicago?

5 A Yes, ma'am.

6 Q And at that location, you did some
7 investigation?

8 A Yes, ma'am.

9 Q And from there did you go and begin to
10 canvass that area, canvass that neighborhood?

11 A Yes, ma'am.

12 Q And specifically, Detective, did you
13 speak to any people that lived in that
14 neighborhood?

15 A Yes, ma'am.

16 Q And do you recall who the first person
17 you talked to was?

18 A Yes.

19 Q And who would that have been?

20 A I believe it was Carolyn -- I can't
21 think of her last name.

22 Oh, I can't.

23 Q Could it have been Carolyn McCoy?

24 A Yes.

1 Q And do you recall where she was when you
2 spoke to her?

3 A Yes, ma'am. She was on her porch.

4 Q And when you spoke with her, Detective,
5 did you identify yourself as a detective?

6 A Yes, I did.

7 Q And when you spoke with her,
8 specifically what did you say to her?

9 A I told her I was a police officer, and
10 we had just discovered a body after -- what we
11 believed to be a young girl in a garage near her
12 home, and from the people in the neighborhood, we
13 were told that there was a missing person from her
14 house.

15 And we talked to her. We were asking
16 her when was the last time she had seen her niece.
17 I believe it was her niece.

18 Q And when you asked her that, what did
19 she say to you?

20 A She told me the last time she had seen
21 her niece was on the 1st of August of 1988. And
22 it was around 6:00 o'clock that night, and she
23 was on the porch with a Jerome Hendrick.

24 She said she went out of the house and

1 told Jerome to leave the porch, and not to be
2 talking to her niece because he was too old to be
3 talking to her niece.

4 And she further told me that Jerome
5 Hendricks had been arrested before for doing
6 something with a girl.

7 Q And after you learned that information,
8 did you have any further conversation with Mrs.
9 McCoy at that time?

10 A Not at that time, no.

11 Q And after your interview with Ms. McCoy
12 what did you do at that time, Detective?

13 A I -- Well, also I believe Yolanda was
14 on the porch, and she basically told me the same
15 thing.

16 Q Would that have been Yolanda Hill?

17 A Yes.

18 Q And you spoke with her at approximately
19 the same time?

20 A Yes.

21 Q And did you ask her if she had seen this
22 young girl named Denise?

23 A She had seen the same thing Mrs. McCoy
24 had seen.

1 Q After you talked with Mrs. McCoy and Ms
2 Hill, what then did you do?

3 A There was also another woman, I can't
4 remember her name. She had told me that she had
5 seen Denise.

6 Q Would it be Paula Townsend?

7 A That is correct, Paula Townsend.

8 Paula Townsend also told me that she had
9 seen Denise on the night of August the 1st talking
10 to Jerome Hendricks, and Jerome asked her would
11 that be okay.

12 Q Asked who?

13 A Asked Denise, Denise Johnson, the
14 deceased, would it be okay.

15 And she said yes. And what that meant,
16 we really didn't know.

17 Q And did Miss Townsend tell you anything
18 else?

19 A She said she had seen Denise walk toward
20 119th Street, and Jerome walk toward his house.

21 Q And on that day, on the 8th of August,
22 did you also have a conversation with a James
23 Hill?

24 A Yes.

1 Q And when you spoke with James Hill,
2 again did you tell him that you were a detective?

3 A Yes, I did.

4 Q And when you spoke with James Hill, what
5 did you tell him?

6 A We told him that we were investigating
7 the homicide, what we believe now was Denise
8 Johnson. And asked him the last time he had seen
9 her.

10 And he couldn't recall the last time he
11 had seen her, but he knew he had a couple
12 conversations with Jerome Hendricks, who
13 originally said he didn't see him.

14 And another time he said he saw her at
15 119th Street. And another time at his house, at
16 255 West -- whatever street.

17 Q And James Hill told you what Jerome
18 Hendricks had told James Hill?

19 A Told James Hill those three different
20 versions of different places that he had seen her,
21 or hadn't seen her.

22 Q Now, after you talked to Townsend,
23 McCoy, Hill, and that is Yolanda Hill and James
24 Hill, did you ever do anything with the

1 information you had learned?

2 A I ran a background check. I didn't
3 personally, I called our office, gave them the
4 information on Jerome Hendricks, and they ran a
5 background check on him to find out what his
6 criminal history was.

7 Q And when you ran that background check,
8 did you also get an arrest report pertaining to
9 each entry on that background check?

10 A Yes.

11 I didn't have them personally, but I was
12 told what he had been arrested for.

13 Q And, Detective, did you also learn that
14 the defendant, Jerome Hendricks, had ever been
15 convicted of any felonies?

16 A Yes.

17 MR. LUFRANO: Objection, your Honor,
18 irrelevant.

19 THE COURT: Overruled.

20 THE WITNESS: A Yes.

21 We learned that he had been in fact and
22 he was on parole at that time.

23 MS. MALLO: Q For what?

24 A For criminal sexual assault.

1 Q And did you also learn any details of
2 that case?

3 A Yes, I did.

4 Q And what were those?

5 A I learned that the victim had been
6 ~~strangled~~ and sexually molested.

7 Q And did you learn of any other entries
8 on the defendant's rap sheet?

9 A I believe there were two sexual attacks.

10 Q And the other sexual attack, what were
11 the details of that, Detective?

12 A That's supposed to have happened right
13 next door to the house where Denise was found at.

14 The victim was supposed to have lived
15 there, but had since moved into a house and now it
16 was an empty house.

17 Q So that would have been the address, the
18 victim in that case lived at 251 West 117th
19 Street in Chicago?

20 A Yes, that is correct.

21 Q Now, after you had all this information,
22 what then did you do?

23 A We then tried to locate Jerome
24 Hendricks.

1 Q And where did you go to do that?

2 A To his home.

3 Q And when you went to his home, what --

4 When you say we, who are you referring to?

5 A I'm talking about myself, other
6 officers.

7 I am not sure -- I think Wolf, and I'm
8 not sure if there were any other officers there
9 also.

10 Q And when you went to Jerome Hendricks'
11 house, did you speak with anyone?

12 A To his sister.

13 Q And that would be Devita Hendricks?

14 A Yes, that is correct.

15 Q When you spoke to her, was the defendant
16 there?

17 A No, he was not.

18 Q And did you tell her that you were a
19 police officer?

20 A We identified ourselves as police
21 officers.

22 She had also seen us out in the yard
23 next door. I mean, she knew. She had seen us in
24 the garage.

1 She knew we were the same police
2 officers who were next door.

3 Q And you told her at that time that you
4 wanted to speak to her brother?

5 A That is correct.

6 . . . At that time we knew he was the last
7 person that we knew at that time was with the
8 victim -- that we knew of.

9 Q Now, when the defendant, Jerome
10 Hendricks, was not there, what did you do?

11 A We left a message that we would like to
12 talk to him, if he came home, to give our office a
13 call or whatever.

14 Q And did you go back to Area 2?

15 A Yes.

16 Q And while at Area 2, did you ever
17 receive a phone call?

18 A Yes, I did.

19 Q And from whom did you receive the call?

20 A From Jerome Hendricks, a person who
21 identified himself as Jerome Hendricks.

22 Q Approximately what time was that?

23 A Approximately 8:30 at night.

24 Q And after you received that phone call,

1 what did you do?

2 A I went to Jerome Hendricks' home.

3 Q And what time approximately did you
4 arrive?

5 A Approximately five, six minutes later.

6 Q And when you arrived there, were you
7 alone or were you with Detective Wolf then?

8 A I was with other detectives, yes.

9 Q And when you pulled up in front of
10 Jerome Hendricks' house, or the address that he
11 had given you, did you notice anything unusual?

12 A Yes.

13 There was a large amount of people in
14 front of the house, and, you know, all through the
15 street.

16 But there were probably 25, 30 people in
17 front of the house.

18 Q And did they say or do anything when you
19 pulled up?

20 A Not then, no, they didn't.

21 We went through the crowd and into the
22 house, and people in the house were waiting for
23 us. They had the door open.

24 And we came in. And that is the first

1 time that I had seen Jerome Hendricks.

2 Q Do you see that person you called Jerome
3 Hendricks in court today?

4 A Yes.

5 MS. PLACEK: Stipulation.

6 THE WITNESS: A He is sitting over there.

7 MS. MALLO: We would accept the stipulation,
8 your Honor, that the detective identified the
9 defendant, Jerome Hendricks.

10 Q Detective, backing up for a minute, when
11 you received this phone call from the person who
12 identified himself as Mr. Hendricks, at Area 2,
13 did he say anything else to you besides the fact
14 that he wanted to speak to you?

15 A He said he wanted to come into the
16 station. He said he wanted to get this thing
17 cleared up.

18 Q And did he tell you why he wanted to get
19 it cleared up?

20 A Because he didn't do it, and he wanted
21 to clear his name.

22 Q Now, you said that when you got to the
23 house -- Did you have to walk up to a porch, or
24 through a door?

1 A Just one step, and another step is the
2 house.

3 It is not a full sized porch, you know.

4 Q And when you got there, you testified
5 that the door was in what condition?

6 A There was someone -- I can't remember
7 who -- ~~but someone had the door open, and waving~~
8 us to come into the house.

9 Q And you and Detective Wolf went in the
10 house?

11 A Yes.

12 I went in first, and then Detective Wolf
13 was behind me.

14 Q There were other detectives?

15 A They didn't enter the house, though.

16 Q Just you and Detective Wolf?

17 A Yes.

18 Q And when you got in the house, what did
19 you say?

20 A I talked to Jerome, and he said he
21 wanted to come to the police station and get
22 himself cleared of this. ONLY SAID I'LL TALK,

23 And he agreed to come in. And we just
24 at that time, walked out of the house, and that

After a fight,

And cuffing me,

1 is when the crowd was yelling that they wanted to
2 kill him, you know. No crowd lied

3 And I know there were some people who
4 had boards and sticks in their hands, and the
5 other detectives helped clear them away. LIE.

6 And we got into the squad and drove
7 away.

8 Q When you say helped clear away, what did
9 they do?

10 A They ran toward Jerome and myself.

11 Q The crowd did?

12 A Yes.

13 Q And what did the detectives do?

14 A They more or less pushed everybody back,
15 and cleared everybody away, so we could get from
16 the house to the car.

17 Q Now, when you entered the home, you say
18 Jerome told you he wanted to go with you to Area
19 2?

20 A Yes.-NO!

21 Q Did you at that time put handcuffs on
22 Jerome?

23 A YES
23 A No, we did not.

24 Q When you walked from Jerome's house to

1 your squad car, did you at that time have Jerome
2 in handcuffs?

3 A No, we did not.

4 Q And how did you walk to that car?

5 A We actually ran to the car. ~~Run to the~~ Police,

6 Q And when you got to the car, was Jerome
7 then handcuffed?

8 A No, he was not.

9 He got in the back seat with my partner
10 and I got in the front seat and drove away.

11 Q Was that car a marked car?

12 A No, it was a '79 -- excuse me, an '86
13 four door Chevy.

14 Q And when you say four door, would the
15 defendant have been able to open that door?

16 A There are no locks on the inside. There
17 are handles on the inside to get out, or whatever
18 -- What I can best say it is a normal passenger
19 automobile.

20 Q Now, when you got to the area, did you
21 then -- To Area 2, did you then walk into Area 2
22 with the defendant, you and Detective Wolf?

23 A Yes, we did.

24 Q And at that time as you walked from your

1 squad car into Area 2 at that time was the
2 defendant handcuffed?

3 A No, he was not.

4 Basically, there was no particular order
5 that we walked into the station. I don't
6 remember if I walked in first, he walked in first
7 or the two of us walked in together. I don't
8 remember the order. We just walked into the
9 station.

10 Q And when you got to Area 2, did you go
11 upstairs to the Detective's area?

12 A Yes.

13 Q And when you got up there, where did you
14 go?

15 A Myself and Jerome went into one of the
16 interview rooms.

17 Q And when you got to that interview room,
18 what did you do?

19 A I advised him of his rights, his Miranda
20 warnings, I guess it would be called. NOT!

21 Q How did you do that?

22 A I read them --

23 THE COURT: Excuse me just a moment, Officer.

24 Miss Mallo, I don't understand the

1 relevance.

2 This motion alleges an unlawful arrest,
3 not a violation of Miranda.

4 MS. MALLO: Fine, Judge.

5 Judge, I just wanted to cover all the
6 events that occurred.

7 THE COURT: Well, those which are relevant.

8 MS. MALLO: Judge, fine.

9 I just didn't want that to be brought up
10 at a later date.

11 MS. PLACEK: Judge, at this time I have no
12 problem. That is why I didn't object to the
13 officer.

14 THE COURT: I understand.

15 But I have a problem sitting here
16 listening to evidence that is irrelevant. And
17 your motion doesn't raise a Miranda violation. So
18 I assume that the defendant was Mirandized,
19 acknowledged his Miranda warnings, and waived
20 them.

21 Otherwise you would have told me about
22 them in the motion.

23 MS. PLACEK: But it is interesting sometimes
24 the reasons and how and why Miranda warnings are

1 given.

2 THE COURT: What difference does it make?

3 MS. PLACEK: Pursuant to an arrest.

4 THE COURT: What difference does it make?

5 Are you suggesting that -- Is there a
6 contention by the State that the 5th Amendment
7 Rights were attenuated from the 4th Amendment
8 Rights?

9 MS. PLACEK: No, Judge. Perhaps I
10 am making myself unclear.

11 THE COURT: You are, to me. That wouldn't
12 be my fault.

13 MS. PLACEK: No, it's probably mine, Judge.
14 Let me make myself clear.

15 There are diametrically opposed views at
16 the present time as to when the arrest took place.

17 All circumstances congenial with in
18 fact, to our point of view, of course no objection
19 to --

20 THE COURT: I'm not certain it got any
21 clearer. But in any event, since both sides seem
22 to think it has some relevance, I will defer to
23 that.

24 And you may continue your examination

1 around the 5th Amendment.

2 MS. MALLO: Q Detective, when you spoke
3 with Jerome Hendricks at Area 2, did you at that
4 time -- Did Jerome Hendricks tell you why he
5 wanted to come to Area 2?

6 * THE WITNESS: A He told me he wanted to be
7 completely cleared of this before he went home.
8 He didn't want anybody to think that he killed
9 this girl.

10 Q Did the defendant tell you what he would
11 do?

12 A He said he would do anything possible to
13 clear his name.

14 Q And did he make a suggestion about
15 something he wanted to do to clear his name?

16 A He said --

17 MS. PLACEK: Objection. Leading and
18 suggestive.

19 THE COURT: No, overruled.

20 THE WITNESS: A Yes, he did.

21 MS. MALLO: Q And upon making that
22 suggestion, was the defendant transported to 11th
23 and State?

24 A Yes, ma'am.

1 Q And was he transported by you to 11th
2 and State?

3 A No, ma'am, he was not.

4 Q Now, Detective, prior to -- At about
5 2115 hours, did the defendant at that time ask you
6 if he could use the telephone?

7 A Yes, he did.

8 Q And did you allow the defendant to use
9 the telephone?

10 A Yes, ma'am, he did.

11 Q And at that time where were you, and
12 where was the defendant?

13 A Well, the defendant was on the phone
14 that was located in the, I guess what is commonly
15 referred to as a work area, and on one of the
16 desks there was a phone.

17 And I told him to use our police phone,
18 or whatever.

19 Q Did you sit with the defendant when he
20 made his calls?

21 A No.

22 Q Did you listen to his conversation?

23 A No, I did not.

24 Q Did the defendant tell you who he wanted

1 to speak to?

2 A He told me he wanted to make calls.

3 Q And did the defendant tell you who he
4 made the calls to?

5 A He told me he called Russ Ewing from ABC
6 News, and he said he called his mother.

7 Q And after he hung up the phone, was
8 there a second call to his mom?

9 A I'm not sure.

10 Russ Ewing was the first call, and I
11 believe the second call was to his mother, yes.

12 Q And after he hung up the phone, and
13 after the second phone call, did the defendant say
14 anything to you?

15 A He said he was ready.

16 Q Did he say what he wanted?

17 A What he wanted to do, he was ready to
18 do.

19 Q And did he say his desire was --

20 A His desire was to completely clear
21 himself and for us to be able to tell the people
22 that he did not do this.

23 MS. MALLO: Your Honor, may I have a moment?

24 (After a short period of time)

1 MS. MALLO: Thank you, Judge.

2 Q Detective, you testified that on the 8th
3 of August, 1988, you were assigned to investigate
4 this homicide?

5 A Yes.

6 Q And you went to the scene of where the
7 body was recovered?

8 A Yes, ma'am.

9 Q And at that time did you view the body?

10 A Yes, I did.

11 Q And did you know the sex of the victim?

12 A Not from basically viewing the body. We
13 could tell by the clothing that we believed it was
14 a woman.

15 Q And could you tell the age of that
16 victim?

17 A We couldn't tell just by viewing the
18 body.

19 It was not until someone else told us
20 that they believed it was Denise.

21 Q And did you learn Denise's age?

22 A Yes.

23 Q What was her age?

24

1 A 12 years old.

2 Q And did you also learn anything about
3 any injuries to the victim?

4 MS. PLACEK: Excuse me.

5 With all due respect, I am going to
6 object on foundation, Judge.

7 THE COURT: What is the relevance?

8 MS. MALLO: Judge, I am trying to show the
9 specific facts about this victim and the crimes to
10 this victim, and other arrests that the detective
11 has already testified to regarding this defendant.

12 THE COURT: Well, for the purpose of
13 establishing probable cause --

14 MS. MALLO: Yes.

15 MS. PLACEK: Objection.

16 THE COURT: What is the objection?

17 MS. PLACEK: First of all, unless the State is
18 going to show that these other arrests were
19 murders involving this case, Judge, I would
20 suggest that this sort of guilt by innuendo can be
21 used for nothing more than a ground of suspicion.

22 THE COURT: Well, as to the subject matter
23 that we are trying to elicit from this officer,
24 the objection to that is overruled.

1 As to the lack of any foundation for the
2 basis of his knowledge, that objection is
3 sustained.

4 In the event that this appears to be
5 nothing more than what you suggest, that is
6 innuendo, probable cause by innuendo, probable
7 cause and speculation, I will toss it out.

8 MS. PLACEK: I would move that at this
9 particular time, Judge.

10 THE COURT: Well, I can't tell whether it's
11 going to be relevant or not until I hear it.

12 MS. PLACEK: That is one of the reasons the
13 foundational objection was made, Judge.

14 THE COURT: And that objection on foundation
15 was sustained.

16 MS. MALLO: Q How did you determine the
17 victim's age?

18 THE WITNESS: A We determined the victim's
19 age by identifying who the victim was.

20 And what we identified there was tennis
21 shoes with her name, Denise, written on it, that
22 relatives identified were her shoes.

23 We could tell that it was, what we
24 believed was a female, because of the clothing.

1 She was wearing a brassiere, her shirt was up
2 around her neck, and the slacks and shoes -- and
3 according to the hair, from our own observations,
4 we believed it to be a woman.

5 Q And when the victim's -- Did the
6 victim's family ever view the shoes and clothing?

7 A They viewed the shoes and said they were
8 Denise's shoes.

9 MS. PLACEK: Judge, can we get a time on
10 this?

11 When?

12 THE COURT: The objection is sustained.
13 Foundation.

14 THE WITNESS: A This happened on the 8th of
15 August, between the hours of 2:30 in the
16 afternoon, and approximately 5:00 o'clock, some
17 time -- I can't remember the exact time that
18 these people actually viewed this stuff. But it
19 was in that time frame.

20 Q And when they viewed the clothing, did
21 you then ask them specific questions about Denise?

22 A Yes.

23 Q And did you ever ask them how old Denise
24 was?

1 MS. PLACEK: Excuse me, Judge.

2 While we are talking about they, can we
3 find out who they were?

4 That is part of the foundation.

5 THE COURT: Sustained.

6 THE WITNESS: A These were relatives of the
7 victim.

8 MS. MALLO: Q Can you tell us their names?

9 A I believe Carolyn McCoy was one of the
10 ones we spoke to, and I can't think of the others.
11 There were several people out there at the time.
12 And I can't remember exactly.

13 But I know Carolyn McCoy definitely
14 identified the shoes.

15 Q What was her relationship to the victim?

16 A She was an aunt of the victim, and the
17 victim was staying at her house.

18 Q And did Carolyn McCoy know the age of
19 the victim?

20 A Yes, she did.

21 Q And what did she tell you the victim's
22 age was?

23 A She told me that the victim's age was 12
24 years old.

1 Q Detective, you testified that the
2 defendant had also been involved in a case where
3 the victim lived in the vicinity of 251 West
4 117th Place in Chicago?

5 A Yes, that is correct.

6 Q And do you know the age of that victim?

7 A I don't recall the age. I know it was a
8 young girl, but I can't remember the exact age.

9 Q And that also in that case, the
10 defendant was charged with a sex offense?

11 A Yes, ma'am.

12 MS. PLACEK: Well, Judge, again there would
13 be a continuing objection.

14 THE COURT: The objection is overruled.

15 MS. MALLO: Q And, Detective, you testified
16 that the defendant had been convicted of another
17 sexual offense?

18 A That is correct.

19 Q And was that victim in that case a
20 female?

21 A Yes, ma'am.

22 Q And was that -- Do you recall the age
23 of that victim?

24 A No, I do not.

1 Q Is there anything that would refresh
2 your recollection?

3 A A case report from that incident, or an
4 arrest report from that incident.

5 Q Detective, did you determine the
6 condition of the neck of the victim, of the body
7 you viewed in August of 1988?

8 A There were ligatures around the neck and
9 the hands were tied.

10 Q And, Detective, you testified that in
11 the case where the defendant was convicted of a
12 sex offense, that in that case the victim also had
13 been choked in that case?

14 A Yes.

15 MS. PLACEK: Objection.

16 THE COURT: Objection is sustained.

17 THE WITNESS: A Yes, ma'am.

18 MS. MALLO: Q You testified earlier about
19 the defendant being convicted of a sex offense?

20 A Yes.

21 Q And when you testified about that sex
22 offense, you also in that case, you knew of other
23 details of that case?

24 A Yes.

1 MS. PLACEK: Objection.

2 THE COURT: The objection is sustained.

3 MS. MALLO: Judge, he's already testified to
4 that.

5 THE COURT: The objection is sustained.

6 MS. MALLO: Your Honor, if I may approach the
7 defense?

8 MS. PLACEK: Judge, may we have a sidebar for
9 a second?

10 THE COURT: On or off the record?

11 MS. PLACEK: On the record.

12 I would ask the officer to just step out
13 of the room.

14 THE COURT: All right.

15 (Thereupon, the following
16 proceedings were had outside
17 of the presence and hearing of
18 the witness:)

19 MS. PLACEK: There has been a continuing
20 objection.

21 And I proffer what would be marked as
22 Defendant's Exhibit No. 1 for Identification. It
23 seems to be what purports to be what in fact the
24 Assistant State's Attorney seeks.

1 And again, there has been a constant
2 objection to this sort of innuendo.

3 This is an '84 case, Judge. I am
4 showing you what has been previously marked as a
5 current rap sheet of the defendant.

6 Now, since this is an arrest report, you
7 can see that there is only one conviction listed
8 on there.

9 And again -- correct me if I am wrong
10 -- because I have been known to read those wrong.
11 But that is before His Honor, Judge Boharic.

12 There is a case in '84 before Judge
13 Sodini. Now, I don't see any outcome of that.
14 But I am sure --

15 THE COURT: Finding of guilty, six years
16 Illinois Department of Corrections, Judge Boharic.

17 MS. PLACEK: Yes.

18 Now, the problem I am having, Judge, is
19 that the State is putting on essentially what is
20 supposed to be a competent witness without
21 foundation as to when he found out these things.

22 THE COURT: That is precisely the point. And
23 that is why I am sustaining your objection.

24 MS. PLACEK: Thank you, Judge.

1 THE COURT: Will you ask the witness to come
2 back in?

3 MS. PLACEK: I will, Judge.

5 (Thereupon, the following
6 proceedings were had in
7 the presence and hearing
8 of the witness:)

THE COURT: You may proceed, Ms. Mallo.

10 MS. MALLO: Q Detective, you testified that
11 after talking with Carolyn McCoy you learned the
12 defendant had had some prior arrest for sex
13 offenses?

14 A That is correct.

15 Q And after you learned that, was it then
16 that you called Area 2?

17 A Right.

18 MS. PLACEK: Excuse me, Judge. I am having a
19 continuing objection, especially as a result of
20 the sidebar.

21 THE COURT: Overruled.

22 MS. MALLO: Q When you called Area 2, what
23 did you do?

24 A I asked them to run a name check on --

1 Oh, God -- Jerome, Jerome Hendricks. And they
2 ran a name check.

3 I gave them the information they needed
4 to run it.

5 And later on they called us and gave us
6 the information that they had received.

7 Q Do you know what time that was
8 approximately that you received the call to call
9 in to the office?

10 A I can't remember the exact time.

11 Q Could it have been in the afternoon?

12 MS. PLACEK: Objection. Leading and
13 suggestive, Judge.

14 THE COURT: Objection sustained.

15 MS. MALLO: Q Would it have been an August
16 date?

17 THE WITNESS: A Yes.

18 Q Approximately what time?

19 A Approximately between 2:30 and maybe
20 6:30, 7:00 o'clock at night.

21 Q And when you spoke with detectives at
22 Area 2, what did you learn?

23 A I learned he had been arrested previous
24 times and that they were sexual cases.

1 And he also gave a name of a parole
2 officer to call and talk to. And he told me
3 that --

4 MS. PLACEK: Objection. No foundation,
5 Judge.

6 THE COURT: The objection is sustained.

7 THE WITNESS: Okay.

8 MS. MALLO: Q When did you call the parole
9 officer?

10 A Right after I talked to my office and
11 found out that he had been arrested for the other
12 offenses.

13 Q And when you talked to the parole
14 officer, did you learn details of that case?

15 A He told me of two other arrests that I
16 remember him telling me about; one happened
17 next door, and I believe he told me that that was a
18 young girl.

19 And then the other one, he said happened
20 where the girl was choked and raped.

21 Q And do you recall the sex and age of
22 that victim?

23 A No, I don't.

24 MS. PLACEK: Objection.

1 THE COURT: The objection is sustained.

2 MS. MALLO: Judge, if I may have one minute.

3 (After a short period of time)

4 Judge, we tender this witness for cross
5 examination.

6 MS. PLACEK: I have a motion to strike as to
7 prior, Judge.

8 THE COURT: Overruled.

9 MS. PLACEK: May I inquire, your Honor?

10 THE COURT: You may.

11

12 CROSS EXAMINATION

13

BY

14

MS. PLACEK:

15

Q Officer, when did you first become
16 involved with this homicide?

17

A August the 8th, at 2:30 in the
18 afternoon.

19

Q And of course you had read all prior
20 reports involved in this homicide, and all prior
21 reports in preparation to testify in court,
22 correct?

23

A I don't understand.

24

Are we talking about August the 8th?

1 Q No, we are talking about today.

2 A I didn't read all of them. I read most
3 of the reports, yes.

4 Q When you say most of the reports, I'm
5 showing you what would be marked as Defendant's
6 Group Exhibit No. 2 for Identification.

7 Would it be correct in saying that you
8 read those reports?

9 Take your time and go through them.

10 A Every one of them, ma'am?

11 Q Look at them, yes, please.

12 A I didn't read the first one.

13 Q Okay.

14 A Or this second one -- Wait, excuse me.
15 I did read this.

16 Q The first one we will take right off,
17 okay?

18 A Okay.

19 Q I didn't recall this, no.

20 Q But you read the ones prior to this?

21 A Well --

22 Q You didn't read the so-called street
23 files?

24 A I didn't read the stuff that didn't have

1 my name on it, not all these.

2 Q Well, the things that have your name on
3 you did read, correct?

4 A Yes.

5 Q All right. Let's separate that.

6 Would it be true and correct in saying
7 that in reading those in preparation for
8 testimony, you would adopt as correct?

9 A As much as I remember, yes.

10 Q Thank you.

11 Showing you what has been marked as
12 Petitioner's Exhibit No. 3.

13 Would you look at those and tell me if
14 you have ever seen that before?

15 A Yes, ma'am.

16 Q And what does that purport to be?

17 A This is the supplementary report that
18 myself and my partner --

19 Q And likewise, you adopted that as true
20 and correct?

21 A It is a summary of what happened.

22 Q Exactly.

23 But there are no changes that you want
24 to make today?

1 MR. RONKOWSKI: Objection.

2 THE COURT: Sustained.

3 MS. PLACEK: Q Well, showing you
4 Petitioner's No. 4, the missing person's report.

5 Did you read that?

6 A No, I did not, ma'am.

7 Q Thank you.

8 Now, let's talk about a few things you
9 said today.

10 Officer, calling your attention to when
11 you said you first came up to Jerome Hendricks'
12 house.

13 I believe you said there was a mob in
14 front of the house, literally calling for Mr.
15 Hendricks' blood, is that correct?

16 A There were people yelling for him.

17 Q There was a disturbance, you believe you
18 saw people with sticks?

19 A Yes.

20 Q Making threatening gestures to the
21 house, correct?

22 A No, toward Jerome.

23 Q Toward Jerome Hendricks?

24 A Yes.

1 Q As a matter of fact, I believe you
2 described that you had to actually go out
3 protecting yourselves and run to the car, is that
4 correct?

5 A That is correct.

6 Q And, by the way, something like that
7 would have been mentioned in your report, correct?

8 A Not necessarily.

9 Q Well, as a matter of fact, isn't it
10 correct that in all reports you read, there is
11 nothing about a mob?

12 A No.

13 Q No, I am incorrect? Or no, I am
14 correct?

15 A No, there is nothing in it about the
16 mob.

17 Q And you said also that one of the
18 reasons that you felt that you were somewhat
19 suspicious of Mr. Hendricks is because Yolanda --
20 I am sorry -- what was her name, Officer,
21 Yolanda, the woman you spoke to? What was her
22 last name?

23 A Was it Yolanda or Carolyn?

24 Q Yolanda Hill?

1 A Yolanda Hill.

2 Q Yolanda Hill, as you described, is the
3 aunt?

4 MS. MALLO: Objection. Yolanda Hill was not
5 described as the aunt.

6 THE COURT: Overruled.

7 Put a question.

8 MS. PLACEK: May I?

9 Q Had Jerome Hendricks been described to
10 you as the last person in fact who saw the victim
11 correct?

12 THE WITNESS: A He was one of the last
13 people that we know that had seen her alive and he
14 was with her, yes.

15 Q Let's talk about -- That was not the
16 last person, was it?

17 A I don't know.

18 Q Do you know who the guardian of this
19 young lady was?

20 A I am not sure.

21 Q Was it her aunt?

22 A No, she was visiting her aunt.

23 Q Well, when you say --

24 A I believe it was her grandparents.

1 Q Denise Johnson?

2 A Pardon?

3 Q Denise Johnson?

4 A The grandmother?

5 Q Yes.

6 A I am not sure what her name was.

7 Q Officer, let me ask you this:

8 Did you, in fact, during your
9 investigation of this case, ever come across a
10 woman by the name of Fields, Estelle Fields?

11 A Possibly.

12 Q And as a matter of fact, wasn't Estelle
13 Fields described as the child's guardian?

14 A Possibly. I don't know.

15 Q And in fact didn't Yolanda Hill --
16 Well, strike that.

17 May I withdraw and rephrase?

18 Didn't you have information that when in
19 fact, according to your investigation, the
20 defendant was speaking with the young lady on the
21 porch, that the young lady in fact returned back
22 into the house?

23 A That which young lady returned back into
24 the house?

1 Q The victim in this case?

2 A That isn't what I was told, no.

3 Q Beg your pardon?

4 A I was told she walked away.

5 Q When you say walked away?

6 A Walked toward 119th Street. I believe
7 that was what was said to me.

8 Q Well, isn't it correct, Officer, that
9 what really happened, according to the report, was
10 that she in fact returned to the house and had an
11 altercation with Miss Fields?

12 A I don't know.

13 Q When you say you don't know, is that
14 because your memory is exhausted as to that fact?

15 A I don't know that that happened, no.

16 Q Well, when you say you don't know that
17 that happened, isn't it correct that Miss McCoy
18 said that it was Jerome Hendricks who walked
19 toward 119th Street?

20 A That is what I wrote there in the
21 report, yes.

22 Q Thank you.

23 Would it also be correct in saying that
24 when you testified to the Assistant State's

1 Q Well, when you say it already was, would
2 it be correct that that parole officer's
3 information to you had no significance at all?

4 MR. RONKOWSKI: Objection.

5 Counsel is arguing with the witness at
6 this point.

7 THE COURT: The objection is sustained.

8 MS. PLACEK: Q Well, let me ask you this.

9 What time did you speak to that parole
10 officer?

11 THE WITNESS: A I don't recall the time. I
12 think it was 4:30, 5:00 o'clock, though.

13 Q What was his name?

14 A I wrote it -- Birch, or Bouch,
15 something like that.

16 Q Where did you call?

17 A At 78th and Cottage.

18 Q That's where he was?

19 A That was his office, I believe.

20 Q And this was about 5:00 o'clock?

21 A Or earlier. I'm not sure of the time.

22 Q And you stated that at the time you were
23 aware that the defendant was on parole, is that
24 correct?

1 A Yes.

2 Q And when you say you learned the
3 defendant was on parole, did you also find out
4 certain other matters at that time?

5 A I'm not sure.

6 Q Well, let me ask you this:

7 Did you find out what year he was
8 originally convicted for the crime he was on
9 parole for?

10 A I probably did, but I don't recall.

11 Q Well, do you recall not only what year,
12 but do you remember what Judge he would have told
13 you?

14 A No.

15 Q Would it be correct in saying that when
16 you talked to this parole officer, that you were
17 in fact in your office, correct?

18 A (No response)

19 Q Or at a police station?

20 A I know I was on the street still.

21 Q When you say out on the street, was your
22 information relayed, or did you use a phone booth?

23 A I was using a phone booth, or phone --
24 I can't remember if we were using someone's phone.

1 I think we were using a neighbor's phone.

2 Q What was the neighbor's name?

3 A I don't recall.

4 I know I used a couple phones that day.
5 I can't remember which one I used.

6 Q What street did this neighbor live on?

7 A As I said, I was not sure which house I
8 was in at the time, ma'am.

9 Q Do you recall besides making the phone
10 call whether or not, with this information, you
11 felt that you should arrest the defendant?

12 A I definitely felt that he should be
13 brought in to talk to, yes.

14 Q Well, did you ever seek to, at that
15 time, to get a warrant?

16 A No, I did not.

17 Q When you say brought in and talked to,
18 let's talk a little further.

19 A Maybe not -- Okay.

20 Q When you started your investigation and
21 you first spoke to the people that the State's
22 Attorney characterized as the family, you had no
23 idea exactly whether or not you were investigating
24 the homicide of Denise Johnson, correct?

1 A We were probably about as sure as we
2 could be without some formal identification, yes.

3 Q Well, let's talk about that for a
4 second.

5 Officer, showing you what will be marked
6 as Group Exhibit No. 5.

7 Do those purport to be the death photos?

8 A Yes, those are the photos.

9 Q Thank you.

10 And would it also be correct in saying
11 that -- By the way, do you know when these photos
12 were taken?

13 A Yes, ma'am.

14 Q When?

15 A On the 8th of August, between 2:30 in
16 the afternoon and 6:00 o'clock at night.

17 Q Were you present when they were taken?

18 A I can't recall if I was still standing
19 there or not.

20 Q Would I be correct in saying that you
21 couldn't tell the age of the alleged victim by
22 those photos?

23 A That is correct.

24 Q Would it be correct in saying that you

1 would have a great deal of difficulty, other than
2 the clothing on the body, to tell the sex of that
3 victim?

4 A Other than the clothing, yes, ma'am.

5 Q Would it be correct in saying that
6 besides the age and the sex, that as you observed
7 there were maggots actually covering the body at
8 that particular time, correct?

9 A Yes, ma'am.

10 Q Not only are there maggots, would it be
11 correct in saying also that when you first
12 approached the members, or what essentially you
13 said Miss McCoy said, essentially what you said
14 was we heard that someone was missing in your
15 family, correct?

16 A That is correct.

17 Q And as you previously told me at that
18 time when you approached her you had no idea how
19 long this person had been missing, correct?

20 A I am not sure, ma'am, if I did or not.

21 I know there was a missing case report
22 made on her. And I am not sure if I was aware of
23 that.

24 Q Well, as a matter of fact, I showed you

1 the missing case report, correct?

2 A Yes, ma'am.

3 Q And I believe you said that you didn't
4 see that case report before?

5 A I didn't.

6 Q Have you seen it since?

7 A You just showed it to me.

8 Q Other than my showing it to you?

9 A I probably had seen it, you know, a
10 couple years ago. But I don't recall.

11 I was aware that there was a missing
12 person because of the district personnel on the
13 scene were aware that they had been on the lookout
14 for a missing.

15 Q Well, in that case report and the
16 personnel -- By the way, did you have a
17 conversation with those personnel on the scene?

18 A Excuse me. I don't know which personnel
19 you are talking about.

20 Q The ones who were investigating the
21 missing person report.

22 A Well, there were several people
23 investigating the missing report.

24 Q Well, who were they?

1 A Well, all the district personnel had a
2 lookout message.

3 Q Were you part of that?

4 A No.

5 Q Would it be correct in assuming that
6 when in fact you were at the scene where the body
7 was found, that in fact certain people involved in
8 this missing person report were also present?

9 A Police officers that were in the beat
10 car were aware of the missing.

11 No, there was no particular officer.

12 All officers in that section knew that there was a
13 missing person from that address.

14 Q Isn't it correct that in fact Chicago
15 police had information that the victim of the
16 missing person report was in fact seen on the
17 2nd of August?

18 A That is in one of the reports, that is
19 correct, ma'am.

20 Q And as a matter of fact, when you speak
21 of this defendant supposedly being the last person
22 who saw this alleged victim, we are speaking about
23 the 1st of August, correct?

24 A That is correct, ma'am.

1 Q You have no information at all, as you
2 sit there at this time, or as you did that time,
3 that this defendant even saw this person on the
4 1st of August, correct?

5 A (No response)

6 Q Or the 2nd of August?

7 A That he saw the person?

8 Q On the 2nd of August?

9 A The information I had was that he was
10 seen with her on the 1st of August.

11 Q That is correct.

12 But you also had information that she
13 was seen alive on the 2nd of August, correct?

14 A I did not have that.

15 Q But the Chicago police had it, correct?

16 A Well, that report says that, yes.

17 Q So when you told the Assistant State's
18 Attorney that he was the last person who saw her
19 alive, you were mistaken, correct?

20 A No.

21 At that particular time when I was
22 investigating --

23 MR. RONKOWSKI: Objection --

24 THE WITNESS: A -- he was the last

1 person--

2 THE COURT: Just a minute.

3 The objection is sustained.

4 MS. PLACEK: Q Well, let's go a step
5 further.

6 You found out about certain other male
7 relatives, correct, of this alleged victim,
8 correct?

9 A I don't understand the question.

10 Q Well, did you find out about a step-
11 grandfather?

12 A I don't recall.

13 Q Do you recall if you found out about the
14 name of Johnson?

15 A Denise Johnson?

16 Q No, Johnson. George.

17 A Oh, I don't know.

18 Can you refresh my memory on that?

19 Q Well, did you find out about a Harding
20 Johnson (phonetics)?

21 A Is that in my report there?

22 Q I'm asking you, Officer:

23 In your investigation --

24 A I don't recall.

1 But if you can show me something that I
2 did --

3 Q Did you, in fact, find out from Carolyn
4 McCoy that in fact there was a family altercation
5 with Denise Johnson, between her and Mrs. Hill?

6 A Did I find this out?

7 Q Did you find that out?

8 A Not that I know of.

9 Q Officer, showing you what would be
10 previously marked -- And I believe this was part
11 of the group Exhibit referring directly to Carolyn
12 McCoy, is that in fact contained within the
13 report?

14 A This is not a report, no.

15 Q Not your report. But as a group of the
16 reports that you said you reviewed?

17 A I don't remember seeing this one, no.

18 Q Well, Officer --

19 A If it was there, I don't remember seeing
20 this one.

21 Q Officer, isn't it correct that Carolyn
22 McCoy told in fact the Chicago Police Department
23 that there was an altercation between Mrs. Hill
24 and the family and Denise Johnson, and that is

1 when she in fact walked off toward 119th Street?

2 MR. RONKOWSKI: Objection.

3 THE WITNESS: A It doesn't say what the
4 altercation was.

5 THE COURT: Wait a minute.

6 MR. RONKOWSKI: She is trying to impeach this
7 officer with another officer's report.

8 THE COURT: She is trying to elicit from him
9 substantive evidence, as I understand it.

10 And the knowledge of this police
11 officer, or any other police officer, is relevant
12 because this police officer can rely upon
13 information known to other police officers,
14 whether it had been communicated to him or not in
15 substantiating probable cause.

16 It can likewise be used by the Defendant
17 to show that the knowledge of the police
18 department and not just one particular police
19 officer disputed probable cause.

20 The pendulum swings both ways. The
21 objection is overruled.

22 THE WITNESS: A The family altercation Mrs.
23 McCoy told us about, she told us that Jerome was
24 on the porch, and she told him not to talk to

1 her.

2 MS. PLACEK: Q When you say family
3 altercation, that is not what is down here, is it?

4 A That is what she was talking about.

5 Q Is that down there in black and white,
6 Officer?

7 A That is what she considered a family
8 altercation.

9 Q That is what you are telling us today?

10 A What is it, then?

11 Q Well, let's talk a little further.

12 Isn't it correct that, quote, Mrs. McCoy
13 and Miss Hill had told the Chicago Police
14 Department that this young lady was boy crazy, or
15 man crazy?

16 A I don't remember that.

17 Q Well, isn't it correct that in fact on
18 the missing person's report, where it says
19 interest, meaning the missing person, it is down
20 there, boys and men?

21 A Not in my report.

22 Q Well, Officer, do you know if it is down
23 there?

24 A I don't know, ma'am.

1 Q Officer, showing you what would be
2 marked as Defendant's Exhibit No. 7, or
3 Petitioner's No. 7.

4 Will you tell his Honor what this is?

5 A This is a missing case report.

6 Q Does that show an interest of this young
7 lady, as put down by the Chicago Police
8 Department?

9 A Yes.

10 Q What is it?

11 A It says boys.

12 Q Officer, when was that report taken?

13 A The report was originally taken on the
14 2nd of August.

15 This here is signed on the 5th of
16 August.

17 Q Showing you what in fact would be marked
18 as Petitioner's No. 8.

19 A Uh-huh.

20 Q Does that in fact -- What does that
21 purport to be?

22 A Report on the missing.

23 Q Does that also show an interest of the
24 young lady?

1 A Yes.

2 Q What was her interest?

3 A It says men.

4 Q Thank you.

5 By the way, showing you again No. 7.

6 Does that report purport to say who in fact the
7 guardian of the young lady is?

8 A Estella Fields.

9 Q Thank you.

10 As a matter of fact, isn't it correct
11 that you had information at the time of your
12 investigation that in fact when Jerome Hendricks
13 was on the porch on the 1st, and told to go away,
14 he simply went away?

15 A That is correct.

16 Q There was no fight between him and
17 Yolanda Hill, or -- excuse me, Estelle Hill and
18 Yolanda Hill about him staying, correct?

19 A That is correct.

20 Q As a matter of fact, the only fight was
21 between the aunt and the young girl, is that
22 correct?

23 A I don't know anything about the fight,
24 other than what was in that report.

1 Q Well, the fight is not with Jerome
2 Hendricks present, correct?

3 A I don't know.

4 I would have to look at the report,
5 ma'am.

6 Q As a matter of fact, would it also be
7 correct in saying that the Chicago Police at the
8 time knew that her male relatives, her step-
9 grandfather and her father would be uncooperative
10 because both Miss Hill and Miss Fields complained
11 that once she had gone away before and stayed with
12 them, that they in fact lied to the Fields, the
13 guardians, as to her whereabouts?

14 MR. RONKOWSKI: Objection, compound question.

15 THE COURT: It is compound.

16 MS. PLACEK: I will withdraw it.

17 THE COURT: You don't have to withdraw it.

18 If the witness understands, he may
19 answer.

20 THE WITNESS: I don't understand.

21 MS. PLACEK: Surely.

22 Q Did you know whether or not there was a
23 grandfather involved in this case?

24 A I don't recall.

1 Q Officer, do you know what the Chicago
2 Police Department did?

3 A I don't know, ma'am.

4 Q Showing you what would be marked as
5 Petitioner's Exhibit No. 9 for Identification.
6 What does that purport to do?

7 Is this the same missing --

8 A No, it isn't. It is a different
9 missing report.

10 Q Showing you the back of that report,
11 doesn't it show that in fact the Chicago Police
12 Department had information about this young lady
13 not only liking the company of older men --

14 A I would have to read it first.

15 Q Go ahead.

16 Have you read it now?

17 A No, I have not.

18 Q Well, not meaning to interrupt your
19 reading.

20 But would it be correct in saying that
21 at the time you felt the defendant was supposed to
22 be talking to you, that you had none of this
23 information?

24 A I don't remember seeing this at all.

1 Q Or the other report about her being
2 interested in men?

3 A No.

4 Q Or about her mother being a drug addict?

5 A I don't even remember seeing all these
6 reports yet, no.

7 I may have gotten them later.

8 Q So you felt that the defendant had to be
9 talked to without all of this information,
10 correct?

11 A If he was seen with her on the 1st,
12 maybe he had seen who she left with. Not
13 necessarily he was the last to see her alive, but
14 maybe the last one I knew.

15 Q So now you are saying that maybe he was
16 not the last one that saw her alive?

17 A The last one I know.

18 Q Now, you know the Chicago Police
19 Department knew differently now, don't you?

20 A According to these.

21 Q Thank you.

22 A I don't know if they are accurate or
23 not.

24 Q Oh, they might be mistaken, correct?

1 A I --

2 MR. RONKOWSKI: Objection. Counsel is
3 arguing with the witness.

4 THE COURT: Sustained.

5 MS. PLACEK: Q Officer, isn't it correct
6 that there is information in that report that the
7 victim had male relatives who would not cooperate
8 with her guardian?

9 A That's what it says.

10 Q Not only that, but sheltered her when
11 she ran away?

12 A I don't remember seeing that.

13 Is that in there, too?

14 Q It states having previously assisted
15 Denise, Mrs. Fields wishes --

16 MR. RONKOWSKI: Objection.

17 THE WITNESS: I don't remember if it says
18 anything about shelter in there.

19 MS. PLACEK: I'm sorry.

20 Q Then let me withdraw and rephrase.

21 Shelter -- Or, excuse me, assisting
22 Denise.

23 Isn't it correct that the Chicago Police
24 Department that time knew that there was, or was

1 told by her legal guardian, that there were male
2 relatives who they might as well not even bother
3 speaking to, because they in fact assisted Denise
4 against Mrs. Fields' wishes?

5 MR. RONKOWSKI: Objection.

6 THE COURT: Basis?

7 MR. RONKOWSKI: First of all, you can't
8 impeach an officer with another officer's report.

9 Second of all, that piece of information
10 does not negate any probable cause.

11 MS. PLACEK: Judge --

12 THE COURT: The objection is overruled.

13 MS. PLACEK: Thank you.

14 Q Correct?

15 THE WITNESS: A Assist? I don't know what
16 you mean by assist.

17 I don't know what the assist was.

18 Q Well, isn't it correct that Mrs. Fields
19 says that as a matter of fact, you might as well
20 not even talk to them, correct, if you know, Mrs.
21 Fields?

22 A I don't know.

23 Q Well, let's go further.

24 According to your statement when you

1 came in fact to the home of Jerome Hendricks, who
2 was present?

3 A Who was present when I got there?

4 Q Yes.

5 A I don't know, ma'am. He was home.

6 Q Besides him?

7 A I don't know who the people were.

8 Q Was his mother home?

9 How many people were present in the
10 house?

11 A There were several people there.

12 Q How many were women?

13 A I don't know.

14 Q By the way, are you the supervising
15 officer in this case?

16 A I don't know what you consider
17 supervising officer.

18 Q Are you the investigating officer in
19 this case?

20 A I am a detective, right.

21 Q Let me ask you this.

22 You didn't take any names of anyone
23 present at that time?

24 A No.

1 Q You don't know whether they were women?

2 A Correct.

3 Q Did you Mirandize him at his home?

4 A No.

5 Q Officer, when do you Mirandize people?

6 May I withdraw?

7 Isn't it correct that you Mirandize
8 people as incidents of an arrest?

9 MR. RONKOWSKI: Objection.

10 THE COURT: Sustained.

11 MS. PLACEK: Q Well, when do you Mirandize
12 people?

13 MR. RONKOWSKI: Objection, irrelevant.

14 THE COURT: Sustained.

15 Well, I don't know. It may go to his
16 state of mind.

17 I will overrule your objection.

18 MS. PLACEK: Q Well, Judge, I will move
19 away.

20 THE COURT: The objection is overruled.

21 MS. PLACEK: Q You said the defendant
22 attempted to call Russ Ewing from the police
23 station?

24 THE WITNESS: A He told me. I don't know

1 if he did or not.

2 Q Well, you said to the Assistant State's
3 Attorney, you said you were close to him when he
4 was making the call?

5 A I was not listening to who he was
6 talking to.

7 Q What time of the day or night was that?

8 A I think it was -- In my notes, it was
9 two hundred -- It would be about 9:15, I think,
10 9:30.

11 Q That's 9:30 in the evening, correct?

12 A 9:15 or 9:30.

13 Q Was he arrested?

14 A No.

15 Q Did you ask him why he wanted to call a
16 newspaper man -- Strike that -- a TV man, when
17 there was no problem at the police station and he
18 was there consentually?

19 A Yes, I did ask him why.

20 Q And did he in fact not call Russ Ewing
21 there, but had someone call Russ Ewing at the
22 house?

23 A He made two phone calls.

24 He told me he called Ewing and his

1 mother. Now, whether he did or not, I don't
2 know.

3 Q Well, Russ Ewing did show up eventually,
4 did he, at the police station -- If you know.

5 A I don't recall seeing him at the police
6 station.

7 Q But you do know that Russ Ewing did in
8 fact get in contact with the police?

9 A I seen Russ Ewing on the scene before I
10 came into the office.

11 Before I went to his house, to Jerome's
12 house. I saw him earlier around 6:00 o'clock or
13 so.

14 Q As a matter of fact, the real time you
15 saw Russ Ewing is after the arrest of the
16 defendant, is that correct?

17 MR. RONKOWSKI: Objection.

18 THE COURT: Overruled.

19 Well, you are talking about after his
20 arrest?

21 MR. RONKOWSKI: Yes.

22 MS. PLACEK: Withdraw it.

23 Q Isn't it in fact true that you in fact
24 saw Russ Ewing at the police station between about

1 8:00 o'clock and 8:30 at night?

2 THE WITNESS: A Isn't it a fact?

3 Q Yes. If you can recall.

4 A No, it is not a fact.

5 Q Thank you.

6 By the way, did you wonder why he was
7 calling Russ Ewing from the police station, since
8 you had treated him so well, and he was not under
9 arrest, and free to leave, is that correct?

10 A Yes.

11 Q What was his answer?

12 A He wanted to ask Russ if he should take
13 a lie detector test or not.

14 Q Well, did you ask whether he was
15 personal friends with Russ?

16 A No.

17 Q Did you ask why not call a lawyer
18 instead?

19 A I had no idea why he wanted to call
20 Russ, and it didn't matter to me who he wanted to
21 call.

22 If he wanted to call someone, he was
23 going to call them.

24 Q Officer, isn't it correct that the

1 defendant was arrested at his house?

2 A No, it is not, ma'am.

3 Q Isn't it correct that his mother, in
4 fact, fought you and the other Chicago police
5 officers, asking why you were handcuffing her boy?

6 A No, ma'am.

7 Q Isn't it correct in fact that you pushed
8 past his mother and his sister into the living
9 room during the altercation with the defendant?

10 A No, ma'am.

11 Q Isn't it correct that in fact, during
12 this altercation, that you and other members, you
13 and other members of the Chicago Police
14 Department, in an effort to handcuff him, swore at
15 him and in fact engaged in a physical struggle?

16 A No, ma'am.

17 MS. PLACEK: May I have a moment, Judge?

18 THE COURT: Surely.

19 (After a short period of time)

20 MS. PLACEK: Q By the way, you never
21 interviewed the defendant, did you?

22 A Yes, I did.

23 Q Who are Baker and Sorany (phonetics)?

24 A They are detectives in Area 2.

1 Q Showing you what would be marked as
2 Defendant's Exhibit No. 11, I believe you
3 previously identified this as your report,
4 correct?

5 A That's only page 2.

6 No, this is not my report.

7 Q Well, doesn't it in fact state that the
8 defendant was interviewed by Detectives Sorany,
9 and Baker, after first being advised of his
10 rights?

11 A It says that.

12 MS. PLACEK: That's all.

13 THE COURT: Redirect?

14

15 REDIRECT EXAMINATION

16 BY

17 MS. MALLO:

18 Q You testified that the victim was
19 staying with a Carolyn McCoy?

20 A Yes.

21 Q Where was Carolyn's home from the body,
22 where the victim was found?

23 MS. PLACEK: Objection.

24 MR. RONKOWSKI: Probable cause, the

1 proximity of the location to where the body was
2 found.

3 MS. PLACEK: Improper redirect.

4 THE COURT: It was brought up.

5 We went over this in direct examination
6 did we not?

7 I will let you answer the question. But
8 we can be here all night answering redirect
9 questions.

10 I understand the direct testimony. The
11 objection is overruled.

12 THE WITNESS: A The body was located
13 next door to where Jerome Hendricks lived.

14 MS. MALLO: Q And had the victim been dead
15 for a while?

16 A Yes.

17 MS. PLACEK: Objection.

18 THE COURT: Sustained.

19 MS. MALLO: And Detective, was the family
20 altercation you spoke of because the victim was
21 seeing the defendant?

22 MS. PLACEK: Objection.

23 He said he didn't know what it was
24 about.

1 THE COURT: Sustained.

2 MS. MALLO: Q And, Detective, you testified
3 on cross examination that the defendant made two
4 phone calls?

5 A That is correct, at the Area.

6 Q And after he made those phone calls, did
7 he then tell you that he wished to take a
8 polygraph test?

9 A Yes, he did.

10 MS. PLACEK: Objection, irrelevant, Judge.

11 MR. RONKOWSKI: Goes toward his consent to be
12 there.

13 MS. PLACEK: Judge --

14 THE COURT: No, that is precisely what the
15 cases hold.

16 The objection is overruled nonetheless.
17 But the fact that he agreed to take the polygraph
18 does not relate back and make what was otherwise
19 an illegal arrest legal, or anything that flowed.

20 In other words, it doesn't attenuate
21 the taint.

22 As a matter of fact, the cases hold in
23 People versus Franklin, in Illinois, hold that the
24 agreement to take the polygraph is a part of the

1 taint, as opposed to attenuating. It flows
2 naturally from the taint of the illegal arrest.
3 So says Franklin.

4 But I will let you answer the question.
5 Let him answer the question for whatever it is
6 worth.

7 THE WITNESS: A He said he wanted to take
8 the polygraph exam to clear his name so he could
9 tell the people in the neighborhood that he did
10 not have anything to do with this crime.

11 MS. MALLO: Nothing further.

12 THE COURT: Recross?

13 MS. PLACEK: Not a thing, Judge.

14 (Witness excused)

15 THE COURT: Ladies and gentlemen, I am going
16 to continue this matter for another date.

17 Can you agree on a date?

18 MR. RONKOWSKI: I can agree on any day that
19 Counsel wants to come back to this courtroom.

20 I will check with the witnesses before
21 they leave to make sure they can be back here.

22 MS. PLACEK: March the 7th?

23 THE COURT: March the 7th?

24 MS. PLACEK: Yes.

1 Is that okay?

2 MR. RONKOWSKI: March the 7th is fine.

3 THE COURT: Order the Court, March the 7th,
4 with subpoenas.

5 (Thereupon, said cause was continued
6 to Wednesday, March 7, 1990, at 9:30
7 o'clock a.m.)

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1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF COOK)

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6)
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9)
10) IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
11) COUNTY DEPARTMENT-CRIMINAL DIVISION
12)

13)
14)
15)
16) THE PEOPLE OF THE)
17) STATE OF ILLINOIS)
18))
19) -vs-) No. 88 CR 12517
20))
21))
22) JEROME HENDRICKS)
23)

24
25)
26) REPORT OF PROCEEDINGS had of the hearing
27)
28) of the above-entitled cause, before the Honorable
29)
30) LEO E. HOLT, Judge of said court, on the 7th day
31)
32) of March, A. D. 1990.

33
34)
35) APPEARANCES:
36)

37)
38) HON. CECIL A. PARTEE,
39) State's Attorney of Cook County, by:
40) MR. EDWARD RONKOWSKI,
41) Assistant State's Attorney,
42)

43) appeared on behalf of the People;

44)
45) HON. RANDOLPH N. STONE,
46) Public Defender of Cook County, by:
47) MR. VINCENT LUFRANO,
48) Assistant Public Defender,
49)

50) appeared on behalf of the Defendant.

THE CLERK: Sheet 1, Line 21, Jerome Hendricks
in custody.

MR. RONKOWSKI: Your Honor, I had two phone conversations with Marijane Placek, the attorney representing Jerome Hendricks. She got tied up on a hearing that she thought she could finish this morning. She hadn't even started when I talked to her at lunch time.

She's requesting a Motion Defendant to
3-13-90, for one o'clock in the afternoon.

THE COURT: Do you understand, Mr. Hendricks?

DEFENDANT HENDRICKS: Yes, sir.

THE COURT: Motion Defendant March 13, one p.m.

(Whereupon the matter was
continued to March 13,
1990, at 1:00 p.m.)

STATE OF ILLINOIS }
COUNTY OF COOK } ss

I, AURELIA PUCINSKI, Clerk of the Circuit Court of Cook County, in said County and State, and Keeper of the Records and Seal thereof, do hereby certify the above and foregoing to be a true, perfect and complete copy of VOLUME ONE OF A SIX VOLUME RECORD CONSISTING OF THE REPORT OF PROCEEDINGS, ONLY. NO PRAECIPE HAVING BEEN FILED PURSUANT TO THE NOTICE OF APPEAL FILED IN THE APPELLATE COURT UNDER APPELLATE COURT NO. .95-0474.....
.....
.....
.....
in a certain cause LATELY..... pending in said Court, between The People of the State of Illinois. WERE....., Plaintiffs and JEROME HENDRICKS..... WAS....., Defendant....

Witness: AURELIA PUCINSKI,
Clerk of the court, and the Seal thereof, at Chicago
In said County, .. JUNE 25,, 19 96..



Aurelia Pucinski
Clerk

95-474
Transcript of Record
Appeal
to

APPELLATE Court of Illinois
FIRST District

SUPPLEMENTAL RECORD
Circuit Court No. 88 CR 12517
Trial Judge LEO H. HOLT
Reviewing Court No. 95-0474

THE PEOPLE OF THE STATE OF ILLINOIS

~~FILED~~
APPELLATE COURT

VS.
JEROME HENDRICKS

JUL 15 1996

GILBERT S. MARCHMAN
CLERK

from
CIRCUIT COURT
of
COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CRIMINAL DIVISION

ORDER ENTERED
JAN 17 2007
APPELLATE COURT, FIRST DISTRICT

AURELIA PUCINSKI
Clerk of Court

VOLUME TWO OF SIX VOLUMES
SUPPLEMENTAL RECORD

Per AP/nd
Deputy

1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF C O O K)

4
5
6 IN THE CIRCUIT COURT OF COOK COUNTY
7 COUNTY DEPARTMENT-CRIMINAL DIVISION

8
9
10 THE PEOPLE OF THE)
11 STATE OF ILLINOIS)
12) NO. 88 CR 12517
13 VERSUS)
14) CHARGE: Murder
15 JEROME HENDRICKS)

16
17 REPORT OF PROCEEDINGS

18
19 BE IT REMEMBERED that on the 13th day of
20 March, A. D., 1990, this cause came on before the
21 Honorable LEO HOLT, Judge of said Court, upon the
22 Information herein, the defendant having entered a plea
23 of not guilty.

24
25 APPEARANCES:

26
27 HON. CECIL PARTEE,
28 State's Attorney of Cook County, by
29 MS. MARY MALLO,
30 Assistant State's Attorney,
31 appeared on behalf of the People;

32
33 MR. VINCENT LUFRANO,
34 Assistant Public Defender,
35 appeared on behalf of the Defendant.

36
37 Reported by:

38
39 MS. BETTE N. SACKS, C. S. R.
40 Certified Shorthand Reporter,
41 Circuit Court of Cook County.

1 THE CLERK: Jerome Hendricks, in custody.

2 THE COURT: Good morning, Mr. Hendricks.

3 MR. HENDRICKS: Morning.

4 THE COURT: The Court is on trial, Mr. Hendricks,
5 with a jury, and will not be able to proceed further with
6 your motions today.

7 MR. HENDRICKS: Yes, sir.

8 THE COURT: Your attorney has called the court, and
9 has been advised of that, and I think has agreed to a
10 date where we can go back to the hearing in your case.

11 MR. HENDRICKS: Okay.

12 THE COURT: What date was agreed on?

13 MS. MALLO: March 29, Judge.

14 THE COURT: By agreement. Mr. Lufrano is here on
15 this case.

16 By agreement March 29. See you then, Mr.
17 Hendricks.

18 (Thereupon said cause was continued
19 to Marcy 29, 1990, at 9:30 o'clock a.m.)

1 STATE OF ILLINOIS)
2) SS:
COUNTY OF COOK)

3
4 IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT-CRIMINAL DIVISION

5
6 THE PEOPLE OF THE)
STATE OF ILLINOIS) NO. 88 CR 12517
7 VERSUS)
8 JEROME HENDRICKS) CHARGE: Murder, Agg.
Crim. Conc. Hom. Death,
Agg. Kid.. Unl. Rest.

9
10 MOTION TO QUASH ARREST AND SUPPRESS STATEMENTS

11 BE IT REMEMBERED that on Thursday,
12 March the 29th, A.D. 1990, this cause came on for
13 hearing before the Honorable LEO HOLT, Judge
14 of said Court.

15
16 APPEARANCES:

17 HON. CECIL PARTEE,
State's Attorney of Cook County, by
18 MR. EDWARD RONKOWSKI, MS. MARY MALLO,
Assistant State's Attorneys
19 appeared for the People;

20 MR. RANDOLPH STONE,
Public Defender of Cook County, by
21 MS. MARIJANE PLACEK, MS. PATRICIA COURSON
Assistant Public Defenders
22 appeared for the Defendant.

23 ROBERT LIEF, C.S.R.,
Official Court Reporter
24 Markham, IL 60426

1 THE CLERK: Sheet 2. Line 18, Jerome
2 Hendricks, in custody.

3 MS. PLACEK: Good afternoon, your Honor.

4 I'm sorry I was a little late this
5 morning.

6 THE COURT: That's all right.

7 MR. RONKOWSKI: Can I get my file?

8 MS. PLACEK: Your Honor, for the purpose of
9 the record, Marijane, M-a-r-i-j-a-n-e, Placek,
10 P-l-a-c-e-k, representing the defendant. Mr.
11 Hendricks, who is now standing before the Court.

12 To refresh your Honor's memory, on an
13 earlier court date, evidence was taken. in fact
14 taken on a Motion to Quash Arrest.

15 I believe we are in the middle of that
16 motion, the State's side.

17 THE COURT: Right.

18 We will see where we are going when Mr.
19 Ronkowski returns to the courtroom, which is
20 momentary.

21 Are you both ready?

22 MR. RONKOWSKI: The State is.

23 MS. PLACEK: Yes, Judge. I am also.

24 THE COURT: You and Mr. Hendricks may be

1 seated at Counsel table while I see if I can
2 locate my notes.

3 MS. PLACEK: Judge, I'm getting my briefcase
4 out of the conference room.

5 MR. RONKOWSKI: The last witness that
6 testified was Larry Nitsche.

7 THE COURT: What date?

8 MR. RONKOWSKI: February 27th.

9 THE CLERK: Yes, Judge, it was February 27th.

10 THE COURT: What was the name of your last
11 witness?

12 MR. RONKOWSKI: Larry Nitsche.

13 He testified February 27th.

14 MS. PLACEK: I also would be ordering a
15 transcript of the proceedings, if the Court has no
16 objection I would --

17 THE COURT: I'm just trying to find out where
18 we are standing.

19 MS. PLACEK: I understand.

20 Your Honor, for the purposes of the
21 record, if I may interrupt the Court, this is Miss
22 Pat Courson.

23 She is going to help me. She is a
24 licensed attorney to practice law in the State of

1 Illinois. She is going to be helping me today
2 because I understand that Mr. Lufrano has a motion
3 himself today.

4 THE COURT: So you are new Counsel today.

5 MS. PLACEK: Thank you, your Honor.

6 THE COURT: In whose court is the ball?

7 MS. PLACEK: I believe it's the State's.

8 MR. RONKOWSKI: I am ready to call two more
9 witnesses today.

10 THE COURT: Call your next.

11 MR. RONKOWSKI: The State would call Jim
12 Hill.

13 (Witness sworn)

14 MS. PLACEK: If it pleases the Court, Judge,
15 Mr. Ronkowski. I believe is anticipating the
16 objection.

17 The gentleman who is about to testify
18 is, of course, a civilian. Although, since we are
19 the movant, it would be our position at this
20 particular time that according to Illinois law the
21 relevant testimony goes, in fact, as is to what is
22 in the mind of the police at the time, and I
23 believe that this is the issue that is outlined in
24 our motion.

1 We would ask, as an offer of proof, that
2 Mr. Ronkowski tell this Court how, in fact, this
3 gentleman's testimony goes relevantly at what is
4 in the mind of the Chicago Police Department when,
5 in fact, they arrested, at his house, my client.

6 THE COURT: Mr. Ronkowski.

7 MR. RONKOWSKI: The defendant testified that
8 he was dragged out of his house in handcuffs.

9 Here is a witness that was part of the
10 crowd that observed the defendant walk to the
11 squad car without handcuffs, and can describe what
12 was happening at the scene when the defendant
13 requested from the police transportation from the
14 crowd that was outside of his house.

15 MS. PLACEK: Well, Judge, if it pleases the
16 Court, I believe that the officer testified that
17 the conversation that the police allegedly stated
18 is that the request for transportation took place
19 inside the house.

20 Is Mr. Ronkowski now claiming that this
21 gentleman was, in fact, in the house?

22 And, secondly, Judge, if that's true, I
23 would suggest that the fact the police described
24 it not as a crowd but as a mob who was not only

1 attacking the defendant, but as a crowd, this
2 gentleman who is testifying might, in fact, be
3 putting himself in jeopardy of incriminating
4 himself as to mob violence.

5 THE COURT: That's the witness' objection; not
6 yours.

7 MS. PLACEK: I understand, Judge.

8 THE COURT: I'm going to hear the testimony
9 of the witness.

10 If it turns out that it's not relevant,
11 I will entertain your motion to strike it.

12 MS. PLACEK: Thank you.

13 THE COURT: But until I hear it, it's rather
14 difficult for me to know whether it's going to be
15 relevant or not.

16 You may proceed.

17 MR. RONKOWSKI: Has the witness been sworn?

18 THE CLERK: Yes.

19 MR. RONKOWSKI: Thank you.

20

21

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24

1 JAMES CHRISTOPHER HILL.
2 a witness called by the Respondent on the Motion
3 to Quash Arrest, having been first duly sworn, was
4 examined and testified as follows:

DIRECT EXAMINATION

BY

MR. RONKOWSKI:

8 Q State your name, please.

9 A James Christopher Hill.

10 Q And spell your last name for the court
11 reporter.

12 A H - i - l - l .

13 Q And how old are you?

14 A I'm 25 years of age.

15 Q Where do you live, sir?

16 A I live at 10530 South State.

17 Q Now, referring your attention to August
18 8th, 1988, shortly after 8:30 p.m., do you recall
19 where you were at?

20 A Shortly after 8:30?

21 I was -- We -- I was on my way over to
22 Mr. Hendricks' house because we had word --

23 MS. PLACEK: Objection.

24 THE COURT: The objection is sustained as to

1 why.

2 MR. RONKOWSKI: Q And did you arrive in the
3 vicinity of Mr. Hendricks' house?

4 THE WITNESS: A Yes, I did.

5 Q Is that the defendant who is seated in
6 the courtroom?

7 A Yes, it is.

8 Q And did you arrive at that location with
9 anybody?

10 A Just myself and an uncle of mine.

11 Q What happened after you got there?

12 A We got there in pretty much of an
13 uproar, there was a lot of guys --

14 MS. PLACEK: Objection to uproar, Judge.

15 THE COURT: Objection sustained.

16 THE WITNESS: A A lot of people gathered
17 around.

18 MR. RONKOWSKI: Q And how many people were
19 gathering around outside of the defendant's house?

20 A Had to be about two or three dozen, 25,
21 30 people.

22 Q And after that crowd gathered around,
23 did any police arrive?

24 A Yes, they did.

1 Q Could you describe to the Court what you
2 observed after the police arrived?

3 A When the police arrived, they came
4 through the crowd, proceeding to Mr. Hendricks'
5 home.

6 They got up to the door, there was a
7 lady that opened the door, and Mr. Hendricks was
8 coming out.

9 He came out into the police -- He
10 walked into the police, and they walked --
11 escorted him right to the car, to the police car.

12 Q Did the defendant have any handcuffs on
13 at that time?

14 A No, he did not.

15 Q Did he have anything else in his hands?

16 A Yes, he was smoking a cigarette.

17 Q When you saw the defendant smoking a
18 cigarette, what did you do?

19 A I was more or less upset because he --

20 MS. PLACEK: Objection.

21 THE WITNESS: A In my opinion, he was --

22 MS. PLACEK: Objection.

23 THE COURT: The objection is sustained.

24 MR. RONKOWSKI: Q Were you related to the

1 victim in this case?

2 THE WITNESS: A Yes, I was.

3 Q What's your relationship with the
4 victim?

5 A She was my cousin.

6 Q Where were you standing when the
7 defendant walked past you, smoking a cigarette?

8 A I was standing on the inside of his
9 front lawn.

10 Q Did you do anything as the defendant
11 walked past you?

12 A Yes.

13 I had a board in my hand. I proceeded to
14 hit him.

15 Q What happened?

16 A Well, the policeman restrained me and
17 gave me a verbal warning.

18 And I stood back and watched him get in
19 the car. Untouched, or anything else.

20 Q And you remember what position in the
21 vehicle the defendant got in the car?

22 A Yes, he got in the back seat.

23 Q Was he alone?

24 A Yes, ~~he was~~.

1 Q Okay. And did some detectives sit in
2 the front seat?

3 A Yes.

4 Q Where did they go?

5 A They left.

6 Q Okay, were there other police officers
7 there besides those two?

8 A Yes, it was.

9 Q Approximately how many?

10 A About four or five.

11 Q Now, that crowd of two to three dozen
12 you described, was that crowd noisy?

13 A Yeah, pretty much. Pretty much noisy.
14 Everyone was more or less relieved that --

15 MS. PLACEK: Objection.

16 THE COURT: Objection sustained.

17 MR. RONKOWSKI: Your witness.

18

19 CROSS EXAMINATION

20 BY

21 MS. PLACEK:

22 Q Mr. Hill, when were you contacted that
23 you testify in this motion?

24 A I received a letter last week sometime.

1 Q Sir, when you say you received a letter,
2 did you receive a letter from the police
3 department or the State's Attorney's office?

4 A The State's Attorney's office.

5 Q And you were never contacted to testify
6 in this motion before that time; correct?

7 A No.

8 I received a letter, year, one before
9 that.

10 Q Well, let me ask you this: Where are
11 those letters today?

12 A I have one now with me.

13 Q Is that the one you received after
14 February 27th, 1990?

15 A Yes.

16 Q Thank you.

17 Let's also talk a little about your
18 assault of my client.

19 You hit him with a stick, according to
20 your testimony today; correct?

21 A No, ma'am, I did not hit him with a
22 stick.

23 Q You tried to hit him with a stick;
24 correct?

1 A Yes, ma'am.

2 Q And you know that's against the law,
3 didn't you?

4 A Yes, ma'am.

5 Q And you were ready to violate the law;
6 correct?

7 A Yes, ma'am.

8 Q And the police saw you violate the law;
9 correct?

10 A Yes, ma'am.

11 Q And you made yourself known to the
12 police at that time and date, didn't you?

13 A Yes, ma'am.

14 Q You told them your name, correct?

15 A Pardon me?

16 Q You told them your name?

17 A At the time he was going to get hit with
18 the stick?

19 Q That's right.

20 A No, no.

21 Q So in other words, when was the first
22 time you told anyone that on that date and time
23 that you tried to hit the defendant with a stick?

24 A I'd say about last month.

1 Q Last month?

2 And who did you tell?

3 A I told the State's Attorney.

4 Q The State's Attorney, or the young lady
5 sitting with him?

6 A The State's Attorney.

7 Q This State's Attorney -- And were there
8 Chicago Police Officers there at the time when you
9 were having this conversation?

10 A Yes, there were.

11 Q And as a matter of fact you had heard
12 already that this defendant had testified that
13 there was no mob in front of his house: correct?

14 A No, ma'am.

15 Q Well, let's talk a little further.

16 When did you have this conversation with
17 Mr. Ronkowski?

18 A It was during the first summons that I
19 had.

20 Q The first --

21 A The first court summons that I had, when
22 I came in. It was last month.

23 Q Last month?

24 A Yes.

1 Q When, last month?

2 A I think it was on the 27th. I'm not
3 sure.

4 Q The 27th of February?

5 A Right.

6 Q When did you have the conversation with
7 Mr. Ronkowski? What time?

8 A I can't recall.

9 Q Where was the conversation with Mr.
10 Ronkowski?

11 A It was here.

12 Q By the way, those police officers that
13 you were -- You saw police officers here when you
14 had that conversation with Mr. Ronkowski;
15 correct?

16 A Uh-huh.

17 Q Does "uh-huh" mean "yes"?

18 A Yes, ma'am.

19 Q Thank you.

20 Let me ask you also this:

21 Can you name any of those police
22 officers?

23 A No, I cannot.

24 Q Was one of them a Detective Malla?

1 A No. I can't name whoever those --

2 Q Were they white or black?

3 A They were white.

4 Q Let me ask you this:

5 When you were attempting to hit my
6 client with a stick -- You are familiar with a
7 gentleman from TV called Russ Ewing; correct?

8 A Yes, ma'am.

9 Q Did you see Russ Ewing present at that
10 time?

11 A No, I can't recall now.

12 Q Did you see anyone filming this
13 incident, sir, if you can recall?

14 A No, ma'am, I can't recall.

15 Q When you say you can't recall, does that
16 mean you don't know?

17 You didn't see it, or your memory is
18 exhausted?

19 A I wasn't paying attention.

20 MR. RONKOWSKI: Objection. Compound
21 question.

22 THE COURT: Objection overruled.

23 MS. PLACEK: Q Beg pardon?

24 THE WITNESS: A I wasn't paying any

1 attention for any newspaper reporters or cameramen
2 there.

3 Q Thank you.

4 By the way, it is your testimony today
5 that the door was not open, that someone opened
6 the door, a female; correct?

7 A Of his household. Someone from his
8 household opened the door.

9 Q And you saw, as soon as -- According to
10 what you are saying today, as soon as the female
11 of the household opened the door, you are --
12 according to your testimony -- the police didn't
13 even bother entering the house, that my client, Mr.
14 Hendricks, came right out of the house; correct?

15 A Yes, ma'am.

16 Q And not only that, but the police didn't
17 even bother coming in, but there was no one --
18 Well, may I withdraw and rephrase?

19 They went straight into the squad car;
20 correct?

21 A Yes, ma'am.

22 Q Thank you.

23 By the way, you stated that it was your
24 cousin who is the victim of this crime, correct?

1 A Correct, ma'am.

2 Q And you want to avenge your cousin,
3 don't you?

4 A I want to see justice, ma'am. Vengeance
5 is not the point.

6 Q Well, let's talk about that for a
7 second.

8 When you say you want to see justice,
9 name someone else besides a member of your family
10 who was a part of that alleged mob?

11 A Larry Smith.

12 Q And where does Larry Smith live?

13 A 11720 South Princeton.

14 Q Thank you, sir.

15 When you first arrived, was the police
16 officers there?

17 A No, they were not.

18 Q Was there anybody preventing you from
19 going or knocking on the door of the house?

20 A No, there wasn't.

21 Q Were you throwing stones -- Were you
22 personally throwing stones at the house?

23 A No, ma'am.

24 Q Were you shouting when you first

1 arrived?

2 A No, ma'am.

3 Q Did you ring the door bell and say:
4 Come on out, Jerome Hendricks, you killed my
5 cousin?

6 A No, ma'am.

7 Q So according to your testimony, as it is
8 today, you didn't start your action of trying to
9 assault my client until the police came; correct?
10 And brought him out of the -- Or rather, he came
11 out of the house; correct?

12 A Yes, ma'am.

13 Q Where did you get the stick?

14 A I don't know. Maybe I picked it up on
15 the side, whatever.

16 Q When you picked it up -- What kind of
17 stick was it?

18 A It was a board.

19 Q Where did you get the board?

20 A I don't remember.

21 Q How long of a board?

22 A About seven inch board.

23 Q Seven inches thick, seven inches long,
24 seven inches wide?

1 A Seven inches long.

2 Q Did you hold on to that board even after
3 the police drove away?

4 A No, ma'am.

5 Q Thank you.

6 You said you saw Mr. Hendricks come out
7 smoking a cigarette?

8 A Correct.

9 Q And when you say you saw him coming out
10 smoking a cigarette, I believe you also stated
11 that he did not have handcuffs on, is that
12 correct?

13 A Correct.

14 Q Well, let me ask you this, sir:

15 Where were the police officers in
16 relationship to Mr. Hendricks when he came out of
17 the house?

18 A Pardon?

19 Q Where were the police officers in
20 relationship to Mr. Hendricks, when he came out of
21 the house?

22 A The police officers, they was in the
23 walkway.

24 Q So they never even came out on the

1 porch?

2 A Yeah, that was about two, three
3 scattered on the porch.

4 Q But they never really completed being on
5 the porch; correct?

6 A No -- correct.

7 Q Thank you.

8 MS. PLACEK: Thank you, your Honor. That's
9 all.

10

11 REDIRECT EXAMINATION

12 BY

13 MR. RONKOWSKI:

14 Q Why did you swing this object at the
15 defendant?

16 MS. PLACEK: Objection.

17 THE COURT: The objection is sustained.

18 MR. RONKOWSKI: Nothing further.

19

20 EXAMINATION

21 BY

22 THE COURT:

23 Q Mr. Hill, other than the members of your
24 family and Mr. Larry Smith, who else was a member

1 of the mob that you say was outside the
2 defendant's home?

3 A The majority of the neighborhood was
4 there.

5 The names --

6 Q Do you know any of them? Did you
7 recognize any of them?

8 A Yes, I did. But the names, as far as
9 first name and last name, I can't recall.

10 Everybody over there have nicknames.

11 Q Well, do you know any of the nicknames
12 of any of the persons that were there?

13 A Yes.

14 There was a young lady called Paulette.

15 Q Where does Paulette live?

16 A I don't know the precise address.

17 Q In what vicinity?

18 A She stays on the other side of 117th,
19 but it was on 117th.

20 Q When you say the other side, be more
21 specific.

22 A Say across the street, two doors --
23 two doors over and a street over from Jerome. I
24 don't know the precise address.

1 Q Can you be more specific than across the
2 street and two doors over?

3 A It was on the southwest corner.

4 Q Of what?

5 A Of 117th.

6 Q And what?

7 A And Princeton.

8 Q How long have you known her?

9 A Not too long.

10 Q How long is that?

11 A About two years, one year.

12 Q Do you know the house in which she lives
13 in?

14 A Yes, I do.

15 Q Have you ever been asked by anyone at
16 all to identify some of the other persons, or
17 locate some of the other persons that you say was
18 present at that time?

19 A No.

20 Q Where were you standing when you say the
21 defendant exited his house?

22 A I was standing inside his gate.

23 Q How far away from the door or the
24 entrance to his home?

1 A About 10 feet.

2 Q You had a clear and unobstructed view of
3 his doorway, I take it?

4 A Yes, sir.

5 Q Who else did you see in the defendant's
6 home or exiting his home at that time?

7 A No one but the defendant, your Honor. I
8 seen him exiting by himself.

9 I seen the young lady open the door.

10 Q Where were the police at that time?

11 A They were standing right there, at the
12 door.

13 Q Right where?

14 A Right at the door.

15 As soon as you walk to the entrance,
16 it's like --

17 Q He walked right out of the door into the
18 arms of the police; is that right?

19 A Yes, sir.

20 Q What did the police do when that
21 occurred?

22 A Well, they just turned, walked with him
23 to the police car.

24 He exited -- When he came out, there

1 was a few words said that I couldn't hear.

2 When he came out, they turned and walked
3 to the car.

4 THE COURT: Mr. Ronkowski, do you have
5 anything in relationship to what I have just asked
6 him?

7 MR. RONKOWSKI: No.

8 THE COURT: Ms. Placek?

9 MS. PLACEK: No, your Honor.

10 Thank you.

11 THE COURT: You may step down, Mr. Hill.

12 You may also remain in the courtroom if
13 you desire.

14 (Witness excused)

15 Call your next witness.

16 MS. MALLO: Your Honor, at this time the
17 People would call Detective Mike Baker.

18 THE CLEKR: Raise your right hand, sir.

19 (Witness sworn)

20 THE COURT: You may proceed.

21 MS. MALLO: Thank you, Judge.

22

23

24

1

2 DET. MICHAEL BAKER,

3 a witness called by the Respondent, the People of
4 the State of Illinois herein, having been first
5 duly sworn, was examined and testified as follows:

6 DIRECT EXAMINATION

7 BY

8 MS. MALLO:

9 Q Detective, could you state your name and
10 spell your last name?

11 A Detective Michael Baker, B-a-k-e-r, star
12 number 10414, City of Chicago Police Department,
13 Area 2, Violent Crimes Unit.

14 Q And, Detective, on the 8th of August,
15 1988, you were then working as a detective in Area
16 2, Violent Crimes?

17 A Yes, I was.

18 Q At about 8:30 in the evening of August
19 8th, 1988, were you at Area 2?

20 A Yes, I was.

21 Q About 8:30, what happened?

22 A There was a phone call came into the
23 office. It was taken by Detective Nitsche.

24 It was a call from Jerome Hendricks --

1 MS. PLACEK: Objection as to the content of
2 the conversation.

3 THE COURT: Overruled.

4 MS. PLACEK: (Continuing) -- of the
5 conversation, without foundation.

6 THE COURT: Well, you can lay a better
7 foundation.

8 MS. MALLO: Q Yes, sir.

9 This was at Area 2, about 8:30 in the
10 evening on August 8th, 1988?

11 THE WITNESS: A Yes, it was.

12 Q Do you recall what room you were in?

13 A I was in our office; no particular
14 room, just the office.

15 Q And you were present, and Detective
16 Nitsche was present?

17 A Yes, I was.

18 Q And anyone else?

19 A There was a lot of detectives in the
20 room. I don't remember all of them.

21 Q When Detective Nitsche answered the
22 phone -- He answered the phone?

23 A Yes, he did.

24 Q And did he -- What happened then?

1 A He talked on the phone for a few
2 minutes, hung the phone up, and then I had a brief
3 conversation with him.

4 Q What did he say to you?

5 A He said that that was Jerome Hendricks,
6 and that he was home, wanted to talk to us.

7 Q So after you received that phone call at
8 Area 2 Headquarters, what did you then do?

9 A I went over to 255 West 117th Street, to
10 Jerome Hendricks' house.

11 Q Once you arrived at that address,
12 Detective Baker, what happened next?

13 A When I got there, there was a large
14 crowd there.

15 And I stayed out front, in front of the
16 house there.

17 Detective Nitsche walked up to the
18 house. There was a woman in the doorway who
19 opened the door, and he went in and came back out
20 about 20 seconds with Jerome Hendricks walking
21 behind him.

22 Q And when Jerome Hendricks walked from
23 that house, what happened then?

24 A He was walking to the squad car with

1 Detective Nitsche, and there was a large crowd had
2 gathered around, and someone in the crowd swung a
3 stick at him, and he hurried over and got in the
4 back seat of Detective Nitsche's squad car.

5 Q When you say he, you're referring to the
6 defendant, Jerome Hendricks?

7 A Jerome Hendricks.

8 Q Detective Baker, do you see Jerome
9 Hendricks in court today?

10 A That gentleman on the end.

11 MS. PLACEK: I would stipulate to the
12 identification of the defendant.

13 MS. MALLO: Q Your Honor, we would accept
14 that stipulation as the in-court identification of
15 the defendant.

16 After Hendricks got into the squad, then
17 what happened?

18 THE WITNESS: A He was transported into
19 Area 2.

20 Q After he got to Area 2, what happened?

21 A He was interviewed by Detective Nitsche
22 at that time.

23 Q And you remained at Area 2 also?

24 A Yes, I did.

1 Q After you arrived at Area 2 --

2 First of all, Detective, when you
3 arrived at Area 2, Detective Nitsche had
4 transported the defendant?

5 A Yes, he did.

6 Q And you arrived in another car?

7 A Yes, I did.

8 Q And when you got there, you stated that
9 Detective Nitsche had a conversation with the
10 defendant?

11 A Yes, he did.

12 Q And after that conversation what did you
13 do?

14 A Well, after the conversation, Detective
15 Nitsche allowed him to use the phone, make several
16 phone calls.

17 Then after he was almost done with the
18 phone calls, I had a conversation with Detective
19 Nitsche and he told me that Jerome wished to stay
20 and help clear his name in this incident there,
21 and he wished to go to 11th and State to be
22 interviewed to further clear his name.

23 Q Now, did you have anything to do with
24 transporting the defendant to 11th and State?

1 A Myself and my partner, Detective Rowan,
2 transported Jerome to 11th and State at that
3 time.

4 Q What time did you arrive at 11th and
5 State?

6 A I believe it was somewhere between 9:00
7 and 9:30.

8 Q And when you -- Then once you got to
9 11th and State, did you then return to Area 2?

10 A We stayed at 11th and State
11 approximately two hours or so.

12 Then we returned to Area 2, Violent
13 Crimes, about 1:00 a.m.

14 Q And when you got back to Area 2, then
15 what occurred?

16 A We had an interview -- We interviewed
17 Jerome Hendricks, myself and Detective Rowan.

18 Q And at that interview -- Well, before
19 you ever spoke to him, was the defendant advised
20 of his rights per Miranda?

21 A Before he was interviewed, I advised him
22 of his Rights from my FOP book. And Detective
23 Rowan was present at that time.

24 He related he understood them, and he